

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: To provide a complete substitute.

**IN THE SENATE OF THE UNITED STATES—110th Cong., 1st Sess.**

**S. 1607**

To provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes.

Referred to the Committee on \_\_\_\_\_ and  
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended  
to be proposed by \_\_\_\_\_

Viz:

1 Strike all after the enacting clause and insert the fol-

2 lowing:

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Currency Exchange  
5 Rate Oversight Reform Act of 2007”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) **ADMINISTERING AUTHORITY.**—The term  
9 “administering authority” means the authority re-

1       ferred to in section 771(1) of the Tariff Act of 1930  
2       (19 U.S.C. 1677(1)).

3           (2) AGREEMENT ON GOVERNMENT PROCURE-  
4       MENT.—The term “Agreement on Government Pro-  
5       curement” means the agreement referred to in sec-  
6       tion 101(d)(17) of the Uruguay Round Agreements  
7       Act (19 U.S.C. 3511(d)(17)).

8           (3) COUNTRY.—The term “country” means a  
9       foreign country, dependent territory, or possession of  
10      a foreign country, and may include an association of  
11      2 or more foreign countries, dependent territories, or  
12      possessions of countries into a customs union out-  
13      side the United States.

14          (4) EXPORTING COUNTRY.—The term “export-  
15      ing country” means the country in which the subject  
16      merchandise is produced or manufactured.

17          (5) FUNDAMENTAL MISALIGNMENT.—The term  
18      “fundamental misalignment” means a significant  
19      and sustained undervaluation of the prevailing real  
20      effective exchange rate, adjusted for cyclical and  
21      transitory factors, from its medium-term equilibrium  
22      level.

23          (6) FUNDAMENTALLY MISALIGNED CUR-  
24      RENCY.—The term “fundamentally misaligned cur-

1 rency” means a foreign currency that is in funda-  
2 mental misalignment.

3 (7) REAL EFFECTIVE EXCHANGE RATE.—The  
4 term “real effective exchange rate” means a weight-  
5 ed average of bilateral exchange rates, expressed in  
6 price-adjusted terms.

7 (8) SECRETARY.—The term “Secretary” means  
8 the Secretary of the Treasury.

9 (9) STERILIZATION.—The term “sterilization”  
10 means domestic monetary operations taken to neu-  
11 tralize the monetary impact of increases in reserves  
12 associated with intervention in the currency ex-  
13 change market.

14 (10) SUBJECT MERCHANDISE.—The term “sub-  
15 ject merchandise” means the merchandise subject to  
16 an antidumping investigation, review, suspension  
17 agreement, or order referred to in section 771(25) of  
18 the Tariff Act of 1930 (19 U.S.C. 1677(25)).

19 (11) WTO AGREEMENT.—The term “WTO  
20 Agreement” means the agreement referred to in sec-  
21 tion 2(9) of the Uruguay Round Agreements Act (19  
22 U.S.C. 3501(9)).

23 **SEC. 3. REPORT ON INTERNATIONAL MONETARY POLICY**  
24 **AND CURRENCY EXCHANGE RATES.**

25 (a) REPORTS REQUIRED.—

1           (1) IN GENERAL.—Not later than March 15  
2           and September 15 of each calendar year, the Sec-  
3           retary, after consulting with the Chairman of the  
4           Board of Governors of the Federal Reserve System  
5           and the Advisory Committee on International Ex-  
6           change Rate Policy, shall submit to Congress, a  
7           written report on international monetary policy and  
8           currency exchange rates.

9           (2) CONSULTATIONS.—On or before March 30  
10          and September 30 of each year, the Secretary shall  
11          appear, if requested, before the Committee on Bank-  
12          ing, Housing, and Urban Affairs and the Committee  
13          on Finance of the Senate and the Committee on Fi-  
14          nancial Services and the Committee on Ways and  
15          Means of the House of Representatives to provide  
16          testimony on the reports submitted pursuant to  
17          paragraph (1).

18          (b) CONTENT OF REPORTS.—Each report submitted  
19          under subsection (a) shall contain—

20               (1) an analysis of currency market develop-  
21               ments and the relationship between the United  
22               States dollar and the currencies of major economies  
23               and trading partners of the United States;

24               (2) a review of the economic and monetary poli-  
25               cies of major economies and trading partners of the

1 United States, and an evaluation of how such poli-  
2 cies impact currency exchange rates;

3 (3) a description of any currency intervention  
4 by the United States or other major economies or  
5 trading partners of the United States, or other ac-  
6 tions undertaken to adjust the actual exchange rate  
7 relative to the United States dollar;

8 (4) an evaluation of the domestic and global  
9 factors that underlie the conditions in the currency  
10 markets, including—

11 (A) monetary and financial conditions;

12 (B) accumulation of foreign assets;

13 (C) macroeconomic trends;

14 (D) trends in current and financial ac-  
15 count balances;

16 (E) the size, composition, and growth of  
17 international capital flows;

18 (F) the impact of the external sector on  
19 economic growth;

20 (G) the size and growth of external indebt-  
21 edness;

22 (H) trends in the net level of international  
23 investment; and

24 (I) capital controls, trade, and exchange  
25 restrictions;

1           (5) a list of currencies designated as fundamen-  
2           tally misaligned currencies pursuant to section  
3           4(a)(2), and a description of any economic models or  
4           methodologies used to establish the list;

5           (6) a list of currencies designated for priority  
6           action pursuant to section 4(a)(3);

7           (7) an identification of the nominal value asso-  
8           ciated with the medium-term equilibrium exchange  
9           rate, relative to the United States dollar, for each  
10          currency listed under paragraph (6);

11          (8) a description of any consultations conducted  
12          or other steps taken pursuant to section 5, 6, or 7;  
13          and

14          (9) a description of any determination made  
15          pursuant to section 9(a).

16          (c) CONSULTATIONS.—The Secretary shall consult  
17          with the Chairman of the Board of Governors of the Fed-  
18          eral Reserve System and the Advisory Committee on  
19          International Exchange Rate Policy with respect to the  
20          preparation of each report required under subsection (a).  
21          Any comments provided by the Chairman of the Board  
22          of Governors of the Federal Reserve System or the Advi-  
23          sory Committee on International Exchange Rate Policy  
24          shall be submitted to the Secretary not later than the date  
25          that is 15 days before the date each report is due under

1 subsection (a). The Secretary shall submit the report to  
2 Congress after taking into account all such comments re-  
3 ceived.

4 **SEC. 4. IDENTIFICATION OF FUNDAMENTALLY MISALIGNED**  
5 **CURRENCIES.**

6 (a) IDENTIFICATION.—

7 (1) IN GENERAL.—The Secretary shall analyze  
8 on a semiannual basis the prevailing real effective  
9 exchange rates of foreign currencies.

10 (2) DESIGNATION OF FUNDAMENTALLY MIS-  
11 ALIGNED CURRENCIES.—As a result of the analysis  
12 conducted under paragraph (1), the Secretary shall  
13 identify any foreign currency that is in fundamental  
14 misalignment and shall designate such currency as a  
15 fundamentally misaligned currency.

16 (3) DESIGNATION OF CURRENCIES FOR PRI-  
17 ORITY ACTION.—The Secretary shall designate a  
18 currency identified under paragraph (2) for priority  
19 action if the country that issues such currency is—

20 (A) engaging in protracted large-scale  
21 intervention in one direction in the currency ex-  
22 change market, accompanied by partial or full  
23 sterilization;

1 (B) engaging in excessive and prolonged  
2 official or quasi-official accumulation of foreign  
3 assets, for balance of payments purposes;

4 (C) introducing or substantially modifying  
5 for balance of payments purposes a restriction  
6 on, or incentive for, the inflow or outflow of  
7 capital, that is inconsistent with the goal of  
8 achieving full currency convertibility; or

9 (D) pursuing any other policy or action  
10 that, in the view of the Secretary, warrants des-  
11 ignation for priority action.

12 (b) REPORTS.—The Secretary shall include a list of  
13 any foreign currency designated under paragraph (2) or  
14 (3) of subsection (a) in each report required by section  
15 3.

16 **SEC. 5. NEGOTIATIONS AND CONSULTATIONS.**

17 (a) IN GENERAL.—Upon designation of a currency  
18 pursuant to section 4(a)(2), the Secretary shall seek to  
19 consult bilaterally with the country that issues such cur-  
20 rency in order to facilitate the adoption of appropriate  
21 policies to address the fundamental misalignment.

22 (b) CONSULTATIONS INVOLVING CURRENCIES DES-  
23 IGNATED FOR PRIORITY ACTION.—With respect to each  
24 currency designated for priority action pursuant to section

1 4(a)(3), the Secretary shall, in addition to the consulta-  
2 tions with the country described in subsection (a)—

3 (1) seek the advice of the International Mone-  
4 tary Fund with respect to the Secretary's findings in  
5 the report submitted to Congress pursuant to section  
6 3(a); and

7 (2) encourage other governments, whether bilat-  
8 erally or in appropriate multinational fora, to join  
9 the United States in seeking the adoption of appro-  
10 priate policies by the country described in subsection  
11 (a) to eliminate the fundamental misalignment.

12 **SEC. 6. FAILURE TO ADOPT APPROPRIATE POLICIES.**

13 (a) IN GENERAL.—Not later than 180 days after the  
14 date on which a currency is designated for priority action  
15 pursuant to section 4(a)(3), the Secretary shall determine  
16 whether the country that issues such currency has adopted  
17 appropriate policies to eliminate the fundamental mis-  
18 alignment. The Secretary shall promptly notify Congress  
19 of such determination and publish notice of the determina-  
20 tion in the Federal Register. If the Secretary determines  
21 that the country that issues such currency has failed to  
22 adopt appropriate policies to eliminate the fundamental  
23 misalignment, the following shall apply with respect to the  
24 country until a notification described in section 7(b) is  
25 published in the Federal Register:

1           (1) ADJUSTMENT UNDER ANTIDUMPING LAW.—  
2           For purposes of an antidumping investigation or re-  
3           view under title VII of the Tariff Act of 1930 (19  
4           U.S.C. 1673 et seq.) the following shall apply:

5                   (A) IN GENERAL.—The administering au-  
6                   thority shall ensure a fair comparison between  
7                   the export price and the normal value by ad-  
8                   justing the price used to establish export price  
9                   or constructed export price to reflect the funda-  
10                  mental misalignment of the currency of the ex-  
11                  porting country.

12                   (B) SALES SUBJECT TO ADJUSTMENT.—  
13                  The adjustment described in subparagraph (A)  
14                  shall apply with respect to subject merchandise  
15                  sold on or after the date that is 30 days after  
16                  the date the currency of the exporting country  
17                  is designated for priority action pursuant to  
18                  section 4(a)(3).

19           (2) FEDERAL PROCUREMENT.—

20                   (A) IN GENERAL.—The President shall  
21                   prohibit the procurement by the Federal Gov-  
22                   ernment of products or services from the coun-  
23                   try.

24                   (B) EXCEPTION.—The prohibition pro-  
25                  vided for in subparagraph (A) shall not apply

1 with respect to a country that is a party to the  
2 Agreement on Government Procurement.

3 (3) REQUEST FOR IMF ACTION.—The United  
4 States shall inform the Managing Director of the  
5 International Monetary Fund of the failure of the  
6 country to adopt appropriate policies to eliminate  
7 the fundamental misalignment, and the actions the  
8 country is engaging in that are identified in section  
9 4(a)(3), and shall request that the Managing Direc-  
10 tor of the International Monetary Fund—

11 (A) consult with such country regarding  
12 the observance of the country's obligations  
13 under article IV of the International Monetary  
14 Fund Articles of Agreement, including through  
15 special consultations, if necessary; and

16 (B) formally report the results of such con-  
17 sultations to the Executive Board of the Inter-  
18 national Monetary Fund within 180 days of the  
19 date of such request.

20 (4) OPIC FINANCING.—The Overseas Private  
21 Investment Corporation shall not approve any new  
22 financing (including insurance, reinsurance, or guar-  
23 antee) with respect to a project located within the  
24 country.

1           (5) MULTILATERAL BANK FINANCING.—The  
2           Secretary shall instruct the United States Executive  
3           Director at each multilateral bank to oppose the ap-  
4           proval of any new financing (including loans, other  
5           credits, insurance, reinsurance, or guarantee) to the  
6           government of the country or for a project located  
7           within the country.

8           (b) WAIVER.—

9           (1) IN GENERAL.—The President may waive  
10          any action provided for under subsection (a) if the  
11          President determines that—

12                 (A) taking such action would cause serious  
13                 harm to the national security of the United  
14                 States; or

15                 (B) it is in the vital economic interest of  
16                 the United States to do so and taking such ac-  
17                 tion would have an adverse impact on the  
18                 United States economy greater than the bene-  
19                 fits of such action.

20          (2) NOTIFICATION.—The President shall  
21          promptly notify Congress of a determination under  
22          paragraph (1) (and the reasons for the determina-  
23          tion, if made under paragraph (1)(B)) and shall  
24          publish notice of the determination in the Federal  
25          Register.

1 (c) REPORTS.—The Secretary shall describe any ac-  
2 tion or determination pursuant to subsection (a) or (b)  
3 in the first semiannual report required by section 3 after  
4 the date of such action or determination.

5 **SEC. 7. PERSISTENT FAILURE TO ADOPT APPROPRIATE**  
6 **POLICIES.**

7 (a) PERSISTENT FAILURE TO ADOPT APPROPRIATE  
8 POLICIES.—Not later than 360 days after the date on  
9 which a currency is designated for priority action pursuant  
10 to section 4(a)(3), the Secretary shall determine whether  
11 the country that issues such currency has adopted appro-  
12 priate policies to eliminate the fundamental misalignment.  
13 The Secretary shall promptly notify Congress of such de-  
14 termination and shall publish notice of the determination  
15 in the Federal Register. If the Secretary determines that  
16 the country that issues such currency has failed to adopt  
17 appropriate policies to eliminate the fundamental mis-  
18 alignment, in addition to the provisions of section 6(a),  
19 the following shall apply with respect to the country until  
20 a notification described in subsection (b) is published in  
21 the Federal Register:

22 (1) ACTION AT THE WTO.—The United States  
23 Trade Representative shall request consultations in  
24 the World Trade Organization with the country re-

1           garding the consistency of the country's actions with  
2           its obligations under the WTO Agreement.

3           (2) REMEDIAL INTERVENTION.—

4           (A) IN GENERAL.—The Secretary shall  
5           consult with the Board of Governors of the  
6           Federal Reserve System to consider under-  
7           taking remedial intervention in international  
8           currency markets in response to the funda-  
9           mental misalignment of the currency designated  
10          for priority action, and coordinating such inter-  
11          vention with other monetary authorities and the  
12          International Monetary Fund.

13          (B) NOTICE TO COUNTRY.—At the same  
14          time the Secretary takes action under subpara-  
15          graph (A), the Secretary shall notify the coun-  
16          try that issues such currency of the consulta-  
17          tions under subparagraph (A).

18          (b) NOTIFICATION.—The Secretary shall promptly  
19          notify Congress when a country that issues a currency des-  
20          ignated for priority action pursuant to section 4(a)(3)  
21          adopts appropriate policies to eliminate the fundamental  
22          misalignment, and publish notice of the action of that  
23          country in the Federal Register.

24          (c) WAIVER.—

1           (1) IN GENERAL.—The President may waive  
2           any action provided for under this section, or extend  
3           any waiver provided for pursuant to section 6(b), if  
4           the President determines that—

5                   (A) taking such action would cause serious  
6                   harm to the national security of the United  
7                   States; or

8                   (B) it is in the vital economic interest of  
9                   the United States to do so, and that taking  
10                  such action would have an adverse impact on  
11                  the United States economy substantially out of  
12                  proportion to the benefits of such action.

13           (2) NOTIFICATION.—The President shall  
14           promptly notify Congress of a determination under  
15           paragraph (1) (and the reasons for the determina-  
16           tion, if made under paragraph (1)(B)) and shall  
17           publish notice of the determination in the Federal  
18           Register.

19           (d) REPORTS.—The Secretary shall describe any ac-  
20           tion or determination pursuant to subsection (a), (b), or  
21           (c) in the first semiannual report required by section 3  
22           after the date of such action or determination.

23 **SEC. 8. CONGRESSIONAL DISAPPROVAL OF WAIVER.**

24           (a) RESOLUTION OF DISAPPROVAL.—

1           (1) INTRODUCTION.—If a resolution of dis-  
2           approval is introduced in the House of Representa-  
3           tives or the Senate during the 90-day period (not  
4           counting any day which is excluded under section  
5           154(b)(1) of the Trade Act of 1974 (19 U.S.C.  
6           2194(b)(1)), beginning on the date on which the  
7           President first notifies the Congress of a determina-  
8           tion to waive action with respect to a country pursu-  
9           ant to section 7(c)(1)(B), that resolution of dis-  
10          approval shall be considered in accordance with this  
11          subsection.

12          (2) RESOLUTION OF DISAPPROVAL.—In this  
13          subsection, the term “resolution of disapproval”  
14          means only a concurrent resolution of the two  
15          Houses of the Congress, the sole matter after the re-  
16          solving clause of which is as follows: “That the Con-  
17          gress does not approve the determination of the  
18          President under section 7(c)(1)(B) of the Currency  
19          Exchange Rate Oversight Reform Act of 2007 with  
20          respect to \_\_\_\_\_, of which Congress was no-  
21          tified on \_\_\_\_\_.”, with the first blank space  
22          being filled with the name of the appropriate country  
23          and the second blank space being filled with the ap-  
24          propriate date.

1           (3) PROCEDURES FOR CONSIDERING RESOLU-  
2           TIONS.—

3           (A) INTRODUCTION AND REFERRAL.—Res-  
4           olutions of disapproval—

5           (i) in the House of Representatives—

6           (I) may be introduced by any  
7           Member of the House;

8           (II) shall be referred to the Com-  
9           mittee on Financial Services and, in  
10          addition, to the Committee on Rules;  
11          and

12          (III) may not be amended by ei-  
13          ther Committee; and

14          (ii) in the Senate—

15          (I) may be introduced by any  
16          Member of the Senate;

17          (II) shall be referred to the Com-  
18          mittee on Banking, Housing, and  
19          Urban Affairs; and

20          (III) may not be amended.

21          (B) COMMITTEE DISCHARGE AND FLOOR  
22          CONSIDERATION.—The provisions of sub-  
23          sections (c) through (f) of section 152 of the  
24          Trade Act of 1974 (other than paragraph (3)  
25          of such subsection (f)) (19 U.S.C. 2192(c)

1 through (f)) (relating to committee discharge  
2 and floor consideration of certain resolutions in  
3 the House and Senate) apply to a concurrent  
4 resolution of disapproval under this section to  
5 the same extent as such subsections apply to  
6 joint resolutions under such section 152.

7 (b) RULES OF HOUSE OF REPRESENTATIVES AND  
8 SENATE.—This section is enacted by the Congress—

9 (1) as an exercise of the rulemaking power of  
10 the House of Representatives and the Senate, re-  
11 spectively, and as such are deemed a part of the  
12 rules of each House, respectively, and such proce-  
13 dures supersede other rules only to the extent that  
14 they are inconsistent with such other rules; and

15 (2) with the full recognition of the constitu-  
16 tional right of either House to change the rules (so  
17 far as relating to the procedures of that House) at  
18 any time, in the same manner, and to the same ex-  
19 tent as any other rule of that House.

20 **SEC. 9. INTERNATIONAL FINANCIAL INSTITUTION GOVERN-**  
21 **ANCE ARRANGEMENTS.**

22 (a) INITIAL REVIEW.—Notwithstanding any other  
23 provision of law, before the United States approves a pro-  
24 posed change in the governance arrangement of any inter-  
25 national financial institution, as defined in section

1 1701(c)(2) of the International Financial Institutions Act  
2 (22 U.S.C. 262r(c)(2)), the Secretary shall determine  
3 whether any member of the international financial institu-  
4 tion that would benefit from the proposed change, in the  
5 form of increased voting shares or representation, has a  
6 currency that was designated a currency for priority action  
7 pursuant to section 4(a)(3) in the most recent report re-  
8 quired by section 3. The determination shall be reported  
9 to Congress.

10 (b) **SUBSEQUENT ACTION.**—The United States shall  
11 oppose any proposed change in the governance arrange-  
12 ment of the international financial institution (as defined  
13 in subsection (a)), if the Secretary renders an affirmative  
14 determination pursuant to subsection (a).

15 (c) **FURTHER ACTION.**—The United States shall con-  
16 tinue to oppose any proposed change in the governance  
17 arrangement of the international financial institution, pur-  
18 suant to subsection (b), until the Secretary determines  
19 and reports to Congress that the proposed change would  
20 not benefit any member of the international financial insti-  
21 tution, in the form of increased voting shares or represen-  
22 tation, that has a currency that is designated a currency  
23 for priority action pursuant to section 4(a)(3).

1 **SEC. 10. ADJUSTMENT FOR FUNDAMENTALLY MISALIGNED**  
2 **CURRENCY DESIGNATED FOR PRIORITY AC-**  
3 **TION.**

4 (a) IN GENERAL.—Subsection (c)(2) of section 772  
5 of the Tariff Act of 1930 (19 U.S.C. 1677a(c)(2)) is  
6 amended—

7 (1) by striking “and” at the end of subpara-  
8 graph (A);

9 (2) by striking the period at the end of sub-  
10 paragraph (B) and inserting “; and”; and

11 (3) by adding at the end the following:

12 “(C) if required by section 6(a)(1) of the  
13 Currency Exchange Rate Oversight Reform Act  
14 of 2007, the percentage by which the domestic  
15 currency of the producer or exporter is under-  
16 valued in relation to the United States dollar.”.

17 (b) CALCULATION METHODOLOGY.—Section 771 of  
18 the Tariff Act of 1930 (19 U.S.C. 1677) is amended by  
19 adding at the end the following:

20 “(37) PERCENTAGE UNDERVALUATION.—The  
21 administering authority shall determine the percent-  
22 age by which the domestic currency of the producer  
23 or exporter is undervalued in relation to the United  
24 States dollar by comparing the nominal value associ-  
25 ated with the medium-term equilibrium exchange  
26 rate of the domestic currency of the producer or ex-

1       porter, identified by the Secretary pursuant to sec-  
2       tion 3(b)(7) of the Currency Exchange Rate Over-  
3       sight Reform Act of 2007, to the official daily ex-  
4       change rate identified by the administering authority  
5       for purposes of antidumping proceedings.”.

6       **SEC. 11. NONMARKET ECONOMY STATUS.**

7       Paragraph (18)(B) of section 771 of the Tariff Act  
8       of 1930 (19 U.S.C. 1677(18)(B)) is amended—

9               (1) by striking “and” at the end of clause (v);  
10       and

11               (2) by redesignating clause (vi) as clause (vii)  
12       and inserting after clause (v) the following:

13                       “(vi) whether the currency of the for-  
14                       eign country is designated a currency for  
15                       priority action pursuant to section 4(a)(3)  
16                       of the Currency Exchange Rate Oversight  
17                       Reform Act of 2007, and”.

18       **SEC. 12. APPLICATION TO CANADA AND MEXICO.**

19       Pursuant to article 1902 of the North American Free  
20       Trade Agreement and section 408 of the North American  
21       Free Trade Agreement Implementation Act (19 U.S.C.  
22       3438), section 6(a)(1) and the amendments made by sec-  
23       tions 10 and 11 shall apply with respect to goods from  
24       Canada and Mexico.

1 **SEC. 13. ADVISORY COMMITTEE ON INTERNATIONAL EX-**  
2 **CHANGE RATE POLICY.**

3 (a) ESTABLISHMENT.—

4 (1) IN GENERAL.—There is established an Ad-  
5 visory Committee on International Exchange Rate  
6 Policy (in this section referred to as the “Com-  
7 mittee”) The Committee shall be responsible for—

8 (A) advising the Secretary in the prepara-  
9 tion of each report to Congress on international  
10 monetary policy and currency exchange rates,  
11 provided for in section 3; and

12 (B) advising the Congress and the Presi-  
13 dent with respect to—

14 (i) international exchange rates and  
15 financial policies; and

16 (ii) the impact of such policies on the  
17 economy of the United States.

18 (2) MEMBERSHIP.—

19 (A) IN GENERAL.—The Committee shall be  
20 composed of 9 members as follows, none of  
21 whom shall be from the Federal Government:

22 (i) CONGRESSIONAL APPOINTEES.—

23 (I) SENATE APPOINTEES.—Four  
24 persons shall be appointed by the  
25 President pro tempore of the Senate,  
26 upon the recommendation of the

## 23

1 Chairmen and Ranking Members of  
2 the Committee on Banking, Housing,  
3 and Urban Affairs and the Committee  
4 on Finance of the Senate.

5 (II) HOUSE APPOINTEES.—Four  
6 persons shall be appointed by the  
7 Speaker of the House of Representa-  
8 tives upon the recommendation of the  
9 Chairmen and Ranking Members of  
10 the Committee on Financial Services  
11 and the Committee on Ways and  
12 Means of the House of Representa-  
13 tives.

14 (ii) PRESIDENTIAL APPOINTEE.—One  
15 person shall be appointed by the President.

16 (B) QUALIFICATIONS.—Persons shall be  
17 selected under subparagraph (A) on the basis of  
18 their objectivity and demonstrated expertise in  
19 finance, economics, or currency exchange.

20 (3) TERMS.—Members shall be appointed for a  
21 term of 4 years or until the Committee terminates.  
22 An individual may be reappointed to the Committee  
23 for additional terms.

1           (4) VACANCIES.—Any vacancy in the Com-  
2           mittee shall not affect its powers, but shall be filled  
3           in the same manner as the original appointment.

4           (b) DURATION OF COMMITTEE.—The Committee  
5           shall terminate on the date that is 4 years after the date  
6           of the enactment of this Act unless renewed by the Presi-  
7           dent pursuant to section 14 of the Federal Advisory Com-  
8           mittee Act (5 U.S.C. App.) for a subsequent 4-year period.  
9           The President may continue to renew the Committee for  
10          successive 4-year periods by taking appropriate action  
11          prior to the date on which the Committee would otherwise  
12          terminate.

13          (c) PUBLIC MEETINGS.—The Committee shall hold  
14          at least 1 public meeting each year for the purpose of ac-  
15          cepting public comments. The Committee shall also meet  
16          as needed at the call of the Secretary or at the call of  
17          two-thirds of the members of the Committee.

18          (d) CHAIRPERSON.—The Committee shall elect from  
19          among its members a chairperson for a term of 4 years  
20          or until the Committee terminates. A chairperson of the  
21          Committee may be reelected chairperson but is ineligible  
22          to serve consecutive terms as chairperson.

23          (e) STAFF.—The Secretary shall make available to  
24          the Committee such staff, information, personnel, admin-

1 istrative services, and assistance as the Committee may  
2 reasonably require to carry out its activities.

3 (f) APPLICATION OF FEDERAL ADVISORY COM-  
4 MITTEE ACT.—

5 (1) IN GENERAL.—The provisions of the Fed-  
6 eral Advisory Committee Act (5 U.S.C. App.) shall  
7 apply to the Committee.

8 (2) EXCEPTION.—Except for the annual public  
9 meeting required under subsection (c), meetings of  
10 the Committee shall be exempt from the require-  
11 ments of subsections (a) and (b) of sections 10 and  
12 11 of the Federal Advisory Committee Act (relating  
13 to open meetings, public notice, public participation,  
14 and public availability of documents), whenever and  
15 to the extent it is determined by the President or the  
16 Secretary that such meetings will be concerned with  
17 matters the disclosure of which would seriously com-  
18 promise the development by the United States Gov-  
19 ernment of monetary and financial policy.

20 **SEC. 14. REPEAL OF THE EXCHANGE RATES AND INTER-**  
21 **NATIONAL ECONOMIC POLICY COORDINA-**  
22 **TION ACT OF 1988.**

23 The Exchange Rates and International Economic  
24 Policy Coordination Act of 1988 (22 U.S.C. 5301–5306)  
25 is repealed.